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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

8 EDWARD LEE CHOYCE,
9 Plaintiff,
10 v.
11 DEPUTY MELENDEZ et al.,
12 Defendants.

No. C 09-01528 MHP

ORDER

10 v.

11 DEPUTY MELENDEZ et al.,
12 Defendants.

14 On April 29, 2010, defendants in this action filed a notice of the report of the death of
15 plaintiff Edward Lee Choyce. Docket No. 41 (Notice). On May 1, 2010, the court entered an order
16 requiring that if plaintiff's next of kin or legal representative desired to prosecute the action, they
17 must file a motion for substitution of party no later than July 29, 2010. Docket No. 43. The court
18 indicated that if no such motion was filed by that deadline, the action would be dismissed. *Id.*

19 The deadline for filing a motion for substitution of party has now passed without any action
20 having been taken by plaintiff's next of kin or other legal representative. For the foregoing reasons,
21 the complaint in this action is DISMISSED for lack of prosecution pursuant to Rule 41(b) of the
22 Federal Rules of Procedure. The Clerk of Court shall close the file.

23 || IT IS SO ORDERED.

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Dated:-

August 11, 2010

~~MARILYN HALL PATEL~~
United States District Court Judge
Northern District of California